

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

TED M. CARTWRIGHT
ADC #137787

PETITIONER

VS. 5:08CV00088 WRW/JTR

STATE OF ARKANSAS RESPONDENT

ORDER

Pending before the Court is a Motion for Leave to Proceed *In Forma Pauperis* (docket entry #1), and a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Docket entry #2.) On April 21, 2008, United States Magistrate Judge J. Thomas Ray entered an Order allowing Petitioner until May 19, 2008, to submit a properly-completed prisoner trust information sheet, and sign the Petition. (Docket entry #3.)

On May 2, 2008, Petitioner filed a letter indicating he wished to “withdraw” his Petition based on a “change of heart.” (Docket entry #5.) The Court will construe Petitioner’s letter as a Motion for Voluntary Dismissal. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Court concludes that Petitioner should be allowed to dismiss this action, without prejudice.

IT IS THEREFORE ORDERED THAT:

1. Petitioner’s Motion for Voluntary Dismissal (docket entry #5) is GRANTED, and the Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254 (docket entry #2) is DISMISSED, WITHOUT PREJUDICE.

2. Petitioner’s Motion for Leave to Proceed *In Forma Pauperis* (docket entry #1) is DENIED, AS MOOT.

Dated this 14th day of May, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE